

Federal Bureau of Investigation

LBN:GC

U. S. Department of Justice

Washington, D. C.

June 24, 1936.

MEMORANDUM FOR MR. TOLSON

There appeared in the May issue of "Esquire" an article entitled "Attorney for the Defense" by Clarence Darrow. This article appears to be a rather frank discussion of the interworkings of the minds of criminal lawyers as exemplified by Clarence Darrow. It is thought that possibly portions of this article might be helpful to the Director in making future addresses, at which time he might desire to point out how unscrupulous criminal lawyers stimulate disrespect for law and influence crime conditions.

In the course of this article, Mr. Darrow attempts to discuss justice and the jury and goes into rather minute detail as to what facts to consider in selecting a jury. Pertinent portions of the article are set out below:

"The stage, the arena, the court, are alike in that each has its audience thirsting to drink deeply of the passing show." The author then goes on to state that youth frequently chooses law as a profession because it brings him before the public eye. In commenting on courts he states, "Chancery cases are not especially interesting nor exciting, however. These are supposed to be heard by a judge. He listens long enough to feel satisfied that the case promises to consume considerable time and work and interfere with many hours of leisure, so he refers it to a 'Master in Chancery,' a lawyer-friend of his own appointment, who is paid by fees that come directly from the litigants; the Master in Chancery employs a court reporter who takes the evidence in shorthand while the Master may take a nap" and later the documents are "locked up in a safe to await the blowing of Gabriel's horn."

"Always the element of luck and chance looms large." If it is a criminal case, it is not the facts themselves or the law alone that determine the results.

RECORDED & INDEXED

"Selecting a jury is of the utmost importance. A lawyer in selecting the jury should know both sides of the case, and to guard his client's interest, he must know the likes and dislikes, the opinions and fads of judges and jurors. Property rights are safer in the hands of courts than jurors. The more a lawyer knows of life, human nature, psychology, and the reactions of the human emotions, the better he is equipped to select the "twelve men, good and true."

COPIES DESTROYED

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TOLSON

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FEDERAL BUREAU OF INVESTIGATION

JUN 14 1936

P. M.

FILE

June 24, 1936.

"In this undertaking, everything pertaining to the prospective juror needs be questioned and weighed; his nationality, his business, religion, politics, social standing, family ties, friends, habits of life and thought; the books and newspapers he likes and reads, and many more matters that combine to make a man; all of these qualities and experiences have left their effect on ideas, beliefs and fancies that inhabit his mind . . . Involved in it all is the juror's method of speech, the kind of clothes he wears, the style of haircut, and, above all, his business associates, residence and origin.

"The litigants and their lawyers are supposed to want justice, but, in reality, there is no such thing as justice, either in or out of court. In fact, the word can not be defined . . . In the last analysis, most jury trials are contests between the rich and poor." Criminal cases, however, practically always have the poor on trial.

"The most important point to learn is whether the prospective juror is humane. This must be discovered in more or less devious ways. As soon as 'the court' sees what you want, he almost always blocks the game. Next to this, in having more or less bearing on the question, is the nationality, politics, and religion, of the person examined for the jury. If you do not discover this, all your plans may go awry."

Assuming that underdogs are being represented because of injuries received or because of an indictment brought by what the prosecutors name themselves "the state" "then what sort of men will we seek? An Irishman is called into the box for examination. There is no reason for asking about his religion; he is Irish; that is enough. We may not agree with his religion, but it matters not; his feelings go deeper than any religion. You should be aware that he is emotional, kindly and sympathetic. If he is chosen as a juror, his imagination will place him in the dock; really, he is trying himself. You would be guilty of malpractice if you got rid of him, except for the strongest reasons."

"An Englishman is not so good as an Irishman, but still, he has come through a long tradition of individual rights, and is not afraid to stand alone; in fact, he is never sure that he is right unless the great majority is against him.

"The German is not so keen about individual rights except where they concern his own way of life. Liberty is not a theory. It is a way of living. He has not been among us long, his ways are fixed by his race, his habits are still in the making. We need inquire no further. If he is a Catholic, then he loves music and art;

June 24, 1936.

he must be emotional, and will want to help you; give him a chance.

"If a Presbyterian enters the jury box and carefully rolls up his umbrella, and calmly and critically sits down, let him go. He believes in John Calvin and eternal punishment. Get rid of him with the fewest possible words before he contaminates the others. Unless you and your clients are Presbyterians you probably are a bad lot, and even though you may be a Presbyterian, your client most likely is guilty.

"If possible, the Baptists are more hopeless than the Presbyterians. They, too, are apt to think that the real home of all outsiders is Sheol and you do not want them on the jury, and the sooner they leave the better.

"The Methodists are worth considering; they are nearer the soil. Their religious emotions can be transmuted into love and charity. They are not half bad, even though they will not take a drink, they really do not need it so much as some of their competitors for the seat next to the throne. If chance sets you down between a Methodist and a Baptist, you will move toward the Methodist to keep warm.

"Beware of the Lutherans, especially the Scandinavians; they are almost always sure to convict. Either a Lutheran or Scandinavian is unsafe, but if both-in-one, plead your client guilty and go down the docket. He learns about sinning and punishing from the preacher, and dares not doubt.

"As to Unitarians, Universalists, Congregationalists, Jews and other agnostics, don't ask them too many questions; keep them anyhow; especially Jews and agnostics. It is best to inspect a Unitarian, or a Universalist, or a Congregationalist, with some care, for they may be prohibitionists; but never the Jews and the real agnostics! And, do not, please, accept a prohibitionist: he is too solemn and holy and dyspeptic.

"I have never experimented much with Christian Scientists; they are too serious for me.

"You may defy all the rest of the rules if you can get a man who laughs. Few things in this world are of enough importance to warrant considering them seriously. So, by all means, choose a man who laughs. A juror who laughs hates to find anyone guilty.

June 24, 1936.

"Never take a wealthy man on a jury . . . Don't take a man because he is a good man. This means nothing. You should find out what he is good for."

Mr. Darrow then goes on to state that he is happy his career at the bar was brought to a close as female jurors came into prominence at about this time, and he suspects them of taking "their new privilege seriously." Futility, according to Mr. Darrow, is the one big word that stands over courts and other human activities. A crusade might go forward for a while but soon its participants succumb to human frailties and the whole system is checkered by mistakes. "Many men are in prison and some are sent to death by mistaken identification . . . Many are made from descriptions and photographs and urged on by detectives, lawyers and others vitally interested in the result. In situations of strong agitation, acquittals are rare, and sentences made long and barbarous and inhuman."

Mr. Darrow concludes his article by stating that the social forces must seek the causes of crime as has the medical profession, urging that "each so-called Dillinger" be examined until "they discover its cause and then learn how to remove the cause."

Respectfully,

*R. E. Joseph*  
R. E. Joseph.

RCH:PED/JJM

February 9, 1937.

62-45014-2

RECORDED

Mr. L. C. Fowler,  
Cabin Creek District  
High School,  
East Bank, West Virginia.

Dear Mr. Fowler:

Your letter of February 4, 1937,  
has been received in which you inquire whether  
Mr. Clarence Darrow is dead.

It is my understanding that Mr.  
Darrow is alive and that he is presently re-  
siding in Chicago, Illinois.

Sincerely yours,

J. Edgar Hoover

DEINDEXED  
DATE: 11-1-37  
14

Mr. Nathan .....  
Mr. Tolson .....  
Mr. Baughman .....  
Mr. Clegg .....  
Mr. Coffey .....  
Mr. Egan .....  
Mr. Foxworth .....  
Mr. Glavin .....  
Mr. Ladd .....  
Mr. Nichols .....  
Mr. Quinn .....  
Mr. Schilder .....  
Mr. Tracy .....  
Mr. Carson .....  
Mr. Egan .....  
Mr. Gurnea .....  
Mr. Harbo .....  
Mr. Hendon .....  
Mr. Jones .....  
Mr. Mumford .....  
Mr. Pennington .....  
Mr. Quinn .....  
Mr. Nease .....  
Miss Gandy .....

FEB 12 1937

*[Handwritten signature]*

caf

Cabin Creek District High School  
East Bank, West Virginia  
February 4, 1937

e

Honorable J. Edgar Hoover  
Department of Justice  
Washington, D. C.

Dear Mr. Hoover:

I would like to know if Mr. Clarence <sup>D</sup>Darrow, the  
famous criminal lawyer of Chicago, is dead? Will you  
please give me this information immediately?

Sincerely yours,

*L. C. Fowler*

L. C. ~~F~~owler  
Head of Commerce Dept.

LC:VH  
Enc:

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INDEXED

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FEDERAL BUREAU OF INVESTIGATION	
FEB 5 1937 A. M.	
U. S. DEPARTMENT OF JUSTICE	
RES. DIV.	FILE

akb  
2-9-37  
ACN

Mr. Tolson  
Mr. Belmont  
Mr. Mohr  
Mr. Casper  
Mr. Callahan  
Mr. Conrad  
Mr. DeLoach  
Mr. Evans  
Mr. Gale  
Mr. Rosen  
Mr. Sullivan  
Mr. Tavel  
Mr. Trotter  
Tele. Room  
Miss Holmes  
Miss Gandy

Box 191  
Patterson Hall  
Andrew College  
Cuthbert, Georgia  
February 19, 1964

Mr. J. Edgar Hoover  
U.S. Dept. of Justice Bldg.  
Washington, D.C.

Dear Mr. Hoover:

I am doing research for a paper to complete my college English Composition requirements. My subject is the late attorney Clarence Darrow.

Finding those who knew Mr. Darrow personally is, as you can imagine, very difficult. One of my instructors suggested that you might have known him. If this is true could you possibly find time to jot down your opinion or relate an incident concerning him? In any case do you know of someone I might contact in hopes of gaining additional information?

Any help you can give will be invaluable to my project. Thanking you in advance, I am,

Very sincerely yours,

*Dan Streetman, Jr.*  
Dan G. Streetman, Jr.

*I did not know him.*

34 FEB 20 1964

ZIP # 31740  
Perz Return envelope

REC-16

62-45014-3

FEB 20 1964

CORRESPONDENCE

H25

*2-25-64*

*-EP*

REC-16

62-45014-3

February 25, 1964

Mr. Dan G. Streetman, Jr.  
Box 191  
Patterson Hall  
Andrew College  
Cuthbert, Georgia 31740

Dear Mr. Streetman: *DAN* *JK*

Your letter of February 19th, with enclosure, has been received. Although I would like to be of service, I did not know Mr. Clarence Darrow.

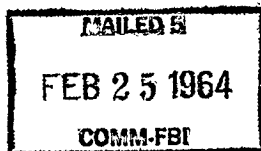
Sincerely yours,

L. Edgar Hoover

John Edgar Hoover  
Director

NOTE: Correspondent cannot be identified in Bufiles. Correspondent's stamped, self-addressed envelope is being utilized in reply.

JH:cai  
(3) *car*



Tolson \_\_\_\_\_  
Belmont \_\_\_\_\_  
Mohr \_\_\_\_\_  
Casper \_\_\_\_\_  
Callahan \_\_\_\_\_  
Conrad \_\_\_\_\_  
DeLoach \_\_\_\_\_  
Evans \_\_\_\_\_  
Gale \_\_\_\_\_  
Rosen \_\_\_\_\_  
Sullivan \_\_\_\_\_  
Tavel \_\_\_\_\_  
Trotter \_\_\_\_\_  
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Holmes \_\_\_\_\_  
Gandy \_\_\_\_\_

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FEB 25 4 07 PM '64  
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FBI



TRUE COPY

18, Napier Street  
Cambridge.  
England.  
2-8-66.

Federal Bureau of Investigation.  
201-E69, Manhattan. N. Y.  
USA.

Dear Sirs,

211  
I am most anxious to acquire any information that you may have about the criminals ~~Nathan~~ Leopold and Richard Loeb. The material which I require is for a factual book concerning the crime committed. Although I have read the main outline of the crime, I feel that I need far more details. I would appreciate any help or information which you could forward me, and also the address of any place where I could obtain photographs, of Leopold, Loeb and Clarence Darrow.

Yours truly,  
E. B. Stephenson (Miss).

*d*  
*c*

REC-111

62-45014-4

4 AUG 16 1966

EX 110

*Ack*

8.15.66

DCL: qfb

NML

1-TC

8-12-66

who

*Paul*

18, Napier Street,

Cambridge.

England.

2-8-66.

Federal Bureau of Investigation.

201 - E 69, Manhattan. N.Y.

USA.

Dear Sirs,

I am most anxious to acquire any information that you may have about the criminals <sup>all etc</sup> Nathan Leopold and Richard Loeb. The material which I require is for a factual book concerning the crime committed. Although I have heard the main outline of the crime, I feel that I need far more details. I would appreciate any help or information which you could forward me, and also the address of any place where I could obtain photographs, of Leopold, Loeb and Clarence Darrow.

Yours truly,

E. B. Stephenson (Miss).

*Ack*

8-15-66

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NML

1-TC

8-12-66

RLS

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SERIALIZED <i>ls</i>	FILED <i>ls</i>
AUG 5 1966	
FBI - NEW YORK	

August 15, 1966

AIRMAIL

REC-13

62-45014-4

EX 110

Miss E. R. Stephenson  
18, Napier Street  
Cambridge, England

Dear Miss Stephenson:

Your letter of August 2nd to our New York Office  
has been referred to my attention.

Although I would like to be of service, the FBI  
has no material for distribution relating to the case of Nathan  
Leopold and Richard Loeb, nor about Clarence Darrow who  
defended them. This matter was not under our jurisdiction.  
The investigation was conducted by the Police Department of  
Chicago, Illinois.

Sincerely yours,

J. Edgar Hoover

John Edgar Hoover  
Director

MAILED 30

AUG 15 1966

1 COMM-FBI

1 - London - Enclosure

Attention Legat: Correspondent is not identifiable in Bufiles

1 - Foreign Liaison Unit - Enclosure

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56 AUG 20 1966

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Conrad \_\_\_\_\_  
Felt \_\_\_\_\_  
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